

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

infoUSA, INC.,)	CASE NO. 8:06CV306
)	
Plaintiff,)	
)	
v.)	
)	JUDGMENT BY DEFAULT
)	
INFOSHAREUSA.COM, LLC)	
)	
Defendant)	

This matter is before the Court on Plaintiff *infoUSA, Inc.*'s ("*infoUSA*") Motion for Default Judgment. (Filing No. 7). The Defendant, InfoShareUSA.com, LLC, was served by certified mail with the Summons issued on April 6, 2006, and the Complaint. Return receipt was requested and received on or before April 17, 2006. (Filing No. 6). See Fed. R. Civ. P. 4(h)(1); Neb. Rev. Stat. § 25-505.01(c)).

On June 12, 2006, Plaintiff filed a motion seeking the Clerk's entry of default and default judgment. The Clerk has made the entry of default against InfoShareUSA.com. (Filing No. 9). The motion for default judgment is supported by the Clerk's entry of default, the Plaintiff's brief (Filing No. 8), and the Affidavit of Todd Kinney (Filing No. 11). I find that the motion has been properly raised, and that the Defendant is in default because the Defendant has not answered the Complaint and has not otherwise appeared in these proceedings.

When a proper motion for default judgment is raised, a court will bind the party facing the default as having admitted all of the well-pleaded allegations in the plaintiff's complaint. See *Angelo lafrate Const., LLC v. Potashnick Const.,*

Inc., 370 F.3d 715, 722 (8th Cir. 2004) *citing Taylor v. City of Ballwin*, 859 F.2d 1330, 1333 n. 7 (8th Cir. 1988); Fed.R.Civ.P. 55(b)(2). I find that the allegations contained in the Plaintiff's Complaint shall be taken as true. Accordingly, I conclude that the Plaintiff is entitled to judgment by default and injunctive relief.

IT IS ORDERED, ADJUDGED AND DECREED:

1. The Plaintiff's Motion for Default Judgment (Filing No. 7) is granted;
2. Judgment by default is hereby entered in favor of the Plaintiff *infoUSA* and against the Defendant *InfoShareUSA.com* as follows:
 - a. Within 15 days from the date of this Judgment, *InfoShareUSA.com* is ordered to return all *infoUSA*'s data to *infoUSA*;
 - b. *InfoShareUSA.com* shall immediately cease selling, transferring, conveying or otherwise using *infoUSA*'s data;
 - c. *InfoShareUSA.com* shall cease and desist the infringing use of its name and mark; and
 - d. *InfoShareUSA.com* shall immediately cease and desist the diluting use of its name and mark; and
3. Plaintiff *infoUSA* is directed to submit a bill of costs pursuant to Fed. R. Civ. P. 54(d) and NeCivR 54.1 within 30 days of the entry of this Judgment, and Plaintiff is granted leave to file a fee application within 10 days of this Judgment that shall include the legal authority for an award of attorney's fees in this case.

Dated this 17th day of August, 2006.

BY THE COURT:

s/Laurie Smith Camp
United States District Court